IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 8907 of 2003

Between:

T.Koteswara Rao S/o.Venkateswarlu
R/o.Chavali, Vemuru Mandalum,
Guntur District

..... PETITIONER

AND

1. The Asst. Commissioner of Endowments, O/o.The Asst. Commissioner of Endowments, Guntur District.
2. Sri Valeswara Swamy Temple, Chevali, Rep. By Executive Officer, R/o.Chavali Vemuru Mandalum Guntur Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate order or direction or a writ more particularly a writ in the nature of Mandamus to set aside the notice dated 12-4-2003 issued by the 2nd Respondent herein as the impugned notice is illegal, void and without jurisdiction as the notice was issued without following procedure laid down as per Rules framed under A.P. Charitable and Hindu Religious Institutions Endowments Act.1987(Act 30 of 87) by directing the Respondents herein not to evict the petitioner herein from the land of Sri Valeswara Swamy Temple, Chavali, Vemuru Mandalam, Guntur District which is in petitioner's possession and to pass such other order

or orders.

Counsel for the Petitioner: MR.G.DHARMA RAO

Counsel for Respondent No.1: G.P. for Endowments.

Counsel for Respondent No.2: MR. METTACHENDRA SEKHAR RAO

The Court Made the Following ORDER:

This writ petition is filed for issuance of a Writ of Mandamus to set aside the notice dated 12-4-2003 issued by the second respondent herein, as the impugned notice is illegal, void and without jurisdiction as it is issued without following the procedure laid down as per Rules framed in G.O.Ms.No.379 dated 11-3-2003 under A.P. Charitable and Hindu Religious Institutions Endowments Act, 1987 and to direct the respondents not to evict the petitioner from the lands of Sri Valeswara Swamy Temple, Chavali, Vemru Mandalam, Guntur District, which is in his possession.

Heard learned counsel for the petitioner and learned counsel for the second respondent. Both the parties agreed to dispose of the writ petition.

Pursuant to the notice, the petitioner can submit his explanation/representation to the Assistant Commissioner of Endowments claiming benefit from Rule 5(1) of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowment Lease of Agriculture Land Rules, 2003 for purchase of lands under Section 82(2) of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments

Act 1987. On such application being made within a period of 30 days, the Assistant Commissioner shall consider the same and pass appropriate orders. Till such determination is made by the Assistant Commissioner, on paying the market rent to the lands, which are in his occupation, the petitioner should not be evicted from the said property. If the petitioner fails to pay the market rent, it is open for the respondents to proceed with the impugned notice for eviction of the petitioner.

The Writ Petition is accordingly disposed of.

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Asst. Commissioner of Endowments, O/o.The Asst. Commissioner of Endowments, Guntur District.
2. Sri Valeswara Swamy Temple, Chevali, Rep. By Executive Officer, R/o.Chavali Vemuru Mandalum Guntur Dist.
3. Two CCs to G.P. for Endowments, High Court Buildings, High Court of A.P. Hyderabad.
4. 2 CD copies.

Js.